



Zoning Regulation Amendment Request Form

Howard County
Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Applicant Information

- 1 Applicant Name Ralph Ballman
- 2 Mailing street address or Post Office Box 9927 Rose Trail
City, State Ellicott City, Maryland
ZIP Code 21042
Telephone (Main) (410) 480-2801
Telephone (Secondary)
Fax
- 3 E-Mail RalBallman@comcast.net

B. Representative Information (If different than above).

- 4 Name
Mailing street address or Post Office Box
City, State
ZIP
Telephone (Main)
Telephone (Secondary)
Fax
E-Mail
- 5 Association with Applicant

C. Brief Description of the Requested Zoning Regulation Amendment

- 6 To amend Section 128 (A)(9) Setback Requirements for Fences, Walls and Retaining Walls to add language, which in most cases would prohibit the use of electrified wire, barbed wire, razor wire or other similar type sharp materials in the construction of fences, walls and barriers. Exceptions would be allowed for public institutions, on sites larger than one (1) acre used for agricultural or livestock purposes and on a case by case basis when approved by the Zoning Authority as part of the Conditional Use Process.

DEC 14 2012

D. Explanation of the Basis / Justification for the Requested Zoning Regulation Amendment

- 7 Per communications with the County Council, the Department of Planning and Zoning, and the Department of Inspections, Licenses and Permits, Howard County has no restrictions on the use of barbed wire or razor wire in the construction of fences or walls. Although the use of these materials in fencing may be appropriate for farming, industrial and certain institutional uses, they are generally considered inappropriate for use on residential and commercial properties. When used on residential or commercial properties, these types of fences are often considered safety hazards and public nuisances and they have a menacing look that promotes the appearance of physical incivility. Their unrestricted and wide use could be seen as an increase of blight and crime, which ultimately could affect the perception people have of the Howard County community. Therefore, it is appropriate to place some limitations on their use within Howard County.

E. List of Attachments/Exhibits

- 8 Attachment No. 1: Proposed text amendment to Section 128 (A)(9) Setback Requirements for Fences, Wall and Retaining Walls.

F. Signatures

9 Applicant Ralph Ballman Applicant (2)

Ralph Ballman

Date December 15, 2012

Date

<input type="checkbox"/>	Additional applicant signatures? X the box to the left and attach a separate signature page.		
DPZ Use Only	Amendment No.		
Notes			

Attachment No. 1

SECTION 128: Supplementary Zoning District Regulations

A. Supplementary Bulk Regulations

9. Setback Requirements for Fences, Walls and Retaining Walls

The following regulations shall apply to fences and retaining walls in all zoning districts.
[Council Bill 17-2009 (ZRA-112) Effective 6/9/09]

- a. Fences shall be classified in the following categories:
 - (1) Open fence are fences which do not restrict visibility beyond the fence line. Open fences include wire, chain link, post and rail, paddock, picket, and other fences in which more than 50 percent of the fence area is left open. The fence area is the surface area from the bottom to the top of the fence section, including stringers supporting the section but not the post area above or below the fence section.
 - (2) Closed fences include board on board, privacy or stockade fences, or any other fences in which 50 percent or less of the fence area is open. Masonry walls that serve the same purpose as a closed fence are considered closed fences.
- b. The following types of fences and retaining walls shall be exempt from all structure or use setback requirements, including the setbacks in the M-1 and M-2 Districts which apply specifically to fences:
 - (1) Closed fences three feet or less in height.
 - (2) Open fences five feet or less in height.
 - (3) Retaining walls three feet or less in height.
 - (4) A series of retaining walls in which the height of each individual wall does not exceed three feet and the horizontal distance between walls is three feet or greater, however, a series of retaining walls must be set back in accordance with engineering requirements in the Design Manual. If the adjoining property is developed for residential use, no more than two retaining walls are permitted in a series and the closer wall can be no nearer than 10 feet from the property line.
- c. Fences and walls six feet or less in height shall not be subject to structure or use setback requirements if located in a side or rear yard which is not adjacent to a public street right-of-way.
- d. Fences and walls six feet or less in height shall not be subject to setback requirements if located in a side or rear yard which adjoins a public street right-of-way, provided the property is not a corner lot. On corner lots, fences and walls six feet or less in height shall not be subject to setback requirements if located in a side yard which adjoins a public street right-of-way, provided the fence complies with Section 128.A.9.E, below, and does not encroach into a front setback from a public street right-of-way. [Council Bill 17-2009 (ZRA-112) Effective 6/9/09]
- e. On a corner lot, closed fences and walls over three feet in height shall not be located within a triangle formed by the property corner where the streets intersect and the points on the property line twenty-five (25) feet from the property corner where the streets intersect. [Council Bill 17-2009 (ZRA-112) Effective 6/9/09]
- f. Where the ground is higher on one side of a fence or retaining wall than another, the height of a fence shall be measured on the side where the ground is lower.
- G. FENCES, WALLS, RAILINGS OR BARRIERS OF ANY KIND CONSTRUCTED WITH ELECTRIFIED WIRE, BARBED WIRE, CONCERTINA WIRE, RAZOR WIRE OR OTHER DANGEROUS MATERIALS SHALL NOT BE ALLOWED, PROVIDED, HOWEVER, THAT THIS SHALL NOT PROHIBIT THE USE OF SUCH MATERIALS:**
 - (1) WHEN LOCATED ON SITES ENCLOSING A MUNICIPAL, INSTITUTIONAL OR GOVERNMENT USE;**
 - (2) ON SITES LARGER THAN ONE (1) ACRE USED FOR AGRICULTURE OR LIVESTOCK PURPOSES;**
 - (3) APPROVED BY THE ZONING AUTHORITY THROUGH THE CONDITIONAL USE PROCESS ON ANY PROPERTY BASED ON EVIDENCE DEMONSTRATING A SPECIAL NEED FOR SAFETY OR SECURITY PURPOSES AND PROVIDED THAT SUCH MATERIAL IS SECURELY AFFIXED TO THE TOP OF A SOUNDLY CONSTRUCTED LAWFUL FENCE OR STRUCTURAL BARRIER WHICH IS AT LEAST SIX (6) FEET IN HEIGHT.**
- H.** Other than the exceptions noted above, fences must comply with all bulk requirements of the applicable zoning district.